

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	NO. 1:16-CR-82
)	
v.)	(Judge Kane)
)	
(3) SCOTT LANE, a.k.a. “NYC Perv,”)	
(6) BRUCE EDGEcombe, a.k.a., “.”,)	
(8) WILLIAM STAPLES, a.k.a., “Bill)	
Simpson,” and)	
(10) DYLAN HEATHERLY, a.k.a.,)	
“Daniel Sotherland,”)	
)	(Electronically Filed)
Defendants.)	

**UNITED STATES’ NOTICE TO COURT AND COUNSEL REGARDING
DEFENDANT LANE’S MOBILE DEVICES**

On Friday, September 1, 2017, the United States filed its response to Defendants’ motion to preclude certain evidence, or, in the alternative, to continue the trial. In that filing, the United States stated that it has “reinitiated its efforts to gain access to Defendant Lane’s encrypted iPhone and iPad, which were seized on April 12, 2016” and that “[i]f successful, the United States will immediately notify the defendants and make the contents of those devices available to all defendants as soon as possible.”

Today, September 6, 2017, law enforcement succeeded in gaining access to Defendant Lane’s encrypted devices (both the iPad and iPhone). At this time, the United States has no information about the contents of those devices. Analysis will begin today. Regardless, the United States does not plan to utilize any of the

contents of those devices in the trial against Lane that is scheduled for September 18, 2017. If, however, the trial is continued, the United States would conduct a thorough examination and utilize any relevant contents at any future trial setting. Accordingly, the United States maintains its position that the trial should not be continued for any of the previously argued reasons, nor should this new development cause a continuance because the evidence will not be used against Lane at this trial.

To the extent Defendants want to review the contents of those devices, the forensic image will be available for review at HSI in York upon request. That is, the Defendants' respective experts will need to be the ones to review this evidence due to the format in which it is currently available. When (and if) extractions of specific items of interest are available, then the attorneys would be able to review that type of evidence without need of an expert. Again, however, the United States does not plan to use such evidence in the upcoming trial.

Also, since the August 29, 2017 hearing, the United States has continued to accommodate defense counsel and their experts in an effort to ensure that each has every opportunity they desire to examine the evidence, and to minimize the need for a continuance. For example, experts for Defendant Heatherly and Defendant Lane examined the evidence at HSI-York on Tuesday, September 5, 2017 for several hours. Indeed, undersigned counsel spoke with Defendant Heatherly's

expert by phone on at least two occasions to answer questions the expert had about the evidence while he was there examining it. On Wednesday, September 6, 2017, counsel for Heatherly requested that the electronic evidence be transferred to the HSI office in Philadelphia this week so that additional examination could be conducted that would permit the expert to extract evidence and conduct analysis at his own lab.¹ Despite the extremely short notice, the United States quickly responded and made the appropriate arrangements, which includes an agent driving from York to Philadelphia and spending the entire day waiting for Defendant's expert to complete his exam before returning to York with the evidence.

Nevertheless, the United States has already informed counsel that the evidence will be available for review starting at 9:00 AM on Thursday, September 7th, less than 20 hours after defense counsel's atypical request. Finally, an expert for Staples is scheduled to examine evidence in York on Thursday, September 7, 2017, and HSI is accommodating that as well.

Trial Attorney Austin M. Berry will be traveling on Thursday, September 7, 2017, but could be available for a conference call with the Court starting at 3:00

¹ This is not possible at the HSI office in York because a forensic scan of the expert's devices would be required before any extractions could be removed from the HSI facility. HSI-York does not have the technical capability to conduct this type of scan of devices to ensure that no contraband is taken out by the expert. Consequently, such an exam must be done in Philadelphia, the nearest HSI office with this capability.

PM EST. AUSA Meredith A. Taylor is available at the Court's convenience on Thursday, September 7, 2017.

Bruce D. Brandler
United States Attorney

September 6, 2017

By: /s/
Meredith A. Taylor
Assistant U.S. Attorney

September 6, 2017

_____/s/_____
Austin M. Berry
Trial Attorney

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an employee in the Department of Justice and is a person of such age and discretion to be competent to serve papers.

That this 6th day of September 2017, he served a copy of the attached

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by electronic means by sending a copy to the e-mail addressees stated below:

Gerald A. Lord
Lord Law, LLC
45 N. Queen St., York, PA 17403
Phone: (717) 850-2274
Fax: (717) 850-2911
glordlaw.com
Counsel for Defendant Scott Lane

Ann E. Ariano

Law Offices of Ann E. Ariano

6121 Chatham Court

Harrisburg, PA 17111

Phone: 717-564-6955

ariano@paonline.com

Counsel for Defendant Bruce Edgecombe

Jason Asbell

Gibbel Kraybill & Hess LLP

2933 Lititz Pike

PO Box 5349

Lancaster, PA 17606

Phone 717-291-1700

Fax 717-291-5547

jasbell@gkh.com

Counsel for Defendant William Staples

Robert J. Daniels

Killian & Gephart, LLP

218 Pine Street

Harrisburg, PA 17101

Phone: 717-232-1851

Fax: 717-238-0592

rdaniels@killiangephart.com

Counsel for Defendant Dylan Heatherly

/s/ Austin M. Berry

Austin M. Berry

Trial Attorney